

Taking Lyndoch Living to court. Update

Slow but steady, the legal challenge to Lyndoch rolls on

Description

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Carol Altmann – The Terrier

As promised, a quick update on the legal fight to bust down the walls around Lyndoch Living and allow the community to become members.

As we speak, a legal firm is now working on a brief for the barrister, which is the first step toward the barrister providing an opinion on how to proceed.

The barrister's advice will consider the best way to frame a case against the Lyndoch board – both collectively and as individual board members – on whether they have failed in their duty to uphold the original spirit and purpose of Lyndoch.

As we know, the Lyndoch Living board last year rejected [every single membership application](#) from 115 lodged by people right across the local community.

Thanks to [more than \\$12,000 raised via crowdfunding](#), we are now challenging that blanket rejection.

It is a slow and steady process, but the plan is to take Lyndoch Living to either the County or Supreme court.

I will be able to tell you more as the process unfolds.

You will also remember there is a second legal action underway: [veterinarian Dr Michael McCluskey is challenging Lyndoch through VCAT](#), arguing the rejection of his membership application was discriminatory.

Dr McCluskey had his first mediation session via video link on 10 March and while the sessions are confidential, the mediation is continuing and Dr McCluskey is determined to press on.

“The mediation is still ongoing and if I am not happy with the outcome at the end of process, then I will be proceeding to a hearing at VCAT for them to decide on my claims,” he said.

In the meantime, Dr McCluskey has AGAIN applied to Lyndoch to become a member.

You got to hand it to Dr McCluskey; he stands by his belief that Lyndoch belongs to the community and is doing what he can to restore the community to its heart.

Lyndoch doesn't seem to grasp the motivation behind this campaign.

The powers-that-be at Lyndoch angst over “the hidden agenda” and are fixated on trying to stop “The Terrier” from telling you what's going on.

It won't work.

Because this campaign is all about the residents and staff of Lyndoch: we will keep fighting for them, because Lyndoch was started 70 years ago, by the community, for the elderly and vulnerable people of Warrnambool.

They are no longer being cared for in the way they should be. I hear stories every day. You probably hear them too.

As it happens, Dr McCluskey's elderly father receives some in-home services from Lyndoch Living as well as having a number of ex-Lyndoch staff who provide private carer services.

"I have found both the current and former staff to be lovely and very welcoming and friendly, which is in stark contrast to my experience with trying to become a member of Lyndoch Living," he said.

Dr McCluskey said this only "further highlighted the importance of keeping Lyndoch Living membership open to the public so that the community can continue to play a vital role in the stewardship of the care of our aged and vulnerable citizens".

As it sits, Lyndoch has no general members.

Hard to believe, but true.

But thanks to people like Dr McCluskey, Keep Lyndoch Living, the 115 people who applied for membership, all of those who threw \$ in to the crowdfund, and the team now managing the legal challenge, the fight to keep Lyndoch a community asset rolls on.

Thanks for being a part of it.

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Author

carol